

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

RPFC.No. 98 of 2007()

MC.45/2006 of THE FAMILY COURT, MALAPPURAM
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REVISION PETITIONER/RESPONDENT:

**PALLIPARA MEHABOOB, AGED 42 YEARS,
S/O. ABOOBACKER, C/O. VENDRAN (NAJMA), MARATHANI,
KARUVAMBRAM P.O., MANJERI, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: PETITIONERS:

- 1. PARAMMAL RAJEENA, AGED 29 YEARS,
D/O. PARAMMAL MUHAMMED (LATE), PARAMMAL HOUSE,
NEAR ANAKKAYAM SEED FARM, ANAKAYAM, MANJERI,
MALAPPURAM DISTRICT.**
- 2. RAHIB LAL, AGED 10 YEARS (MINOR),
S/O. MEHABOOB.**
- 3. RASHID LAL, AGED 8 YEARS (MINOR),
S/O. MEHABOOB.
(MINOR PETITIONERS REPRESENTED BY MOTHER,
GUARDIAN 1ST RESPONDENT).**

**THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

K.R. UDAYABHANU, J.

R.P.F.C.NO.98 OF 2007

DATED THIS THE 1ST DAY OF MARCH 2007

ORDER

The petitioner is the respondent/husband in M.C.No.45/2006 who has been ordered to pay maintenance to the wife and children on the basis of the claim of the petitioner/wife without considering the objections of the revision petitioner/husband. It is seen that the defence of the respondent is struck off. I find that there is no power for the court in proceedings under Section 125 Cr.P.C.to strike off the defence. What the court below can do is only to execute the order of maintenance and not to strike off the defence. Hence, the order is set aside. The court below is directed to consider the contentions of the respondent and dispose of the matter after taking evidence. The revision petitioner shall appear before the Family Court on 28-3-2007. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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